

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

FAIRFIELD SENTRY LIMITED, *et al.*,

Debtor in Foreign  
Proceedings.

Chapter 15 Case

Case No. 10-13164 (CGM)

Jointly Administered

FAIRFIELD SENTRY LTD. (IN  
LIQUIDATION), *et al.*,

Plaintiffs,

v.

THEODOOR GGC AMSTERDAM,  
*et al.*,

Defendants.

Adv. Pro. No. 10-03496 (CGM)

Administratively Consolidated

FAIRFIELD SENTRY LIMITED (IN  
LIQUIDATION), *et al.*,

Plaintiffs,

v.

ABN AMRO SCHWEIZ AG, *et al.*,

Defendants.

Adv. Pro. No. 10-03635 (CGM)

**NOTICE OF MOTION TO DISMISS BY THE EFG AND BSI DEFENDANTS  
FOR LACK OF PERSONAL JURISDICTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the EFG and BSI Defendants’<sup>1</sup> Motion of Dismiss, the EFG and BSI Defendants will move this Court for an order pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure, dismissing with prejudice the Fifth Amended Complaint (Dkt. No. 620 in Adv. Pro. No. 10-03635) by the Liquidators of Fairfield Sentry Limited, Fairfield Sigma Limited, and Fairfield Lambda Limited against EFG and BSI in the above-captioned adversary proceeding (attached hereto as **Exhibit A**) for lack of personal jurisdiction.

PLEASE TAKE FURTHER NOTICE that the EFG and BSI Defendants do not, by this motion, waive any of its jurisdictional, substantive, or procedural rights, remedies, and defenses in connection with the above-captioned adversary proceedings, and reserves the right to move to dismiss the Fifth Amended Complaint on all other grounds.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, the EFG and BSI Defendants do not consent to the entry of final orders or judgment by this Court.

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<sup>1</sup> The “EFG and BSI Defendants” include: EFG Bank AG (a/k/a “EFG Bank SA,” and sued as “EFG Bank SA Switzerland”); EFG Bank (Monaco) S.A.M. (f/k/a “EFG Eurofinancier D’Investissements S.A.M.” and sued as “EFG Eurofinancier D’Invest MCL”); and BSI AG, individually and as successor-in-interest to Banca del Gottardo (sued as “BSI Ex Banca Del Gottardo”) and Banca Unione di Credito.

Dated: October 29, 2021  
New York, New York

Respectfully Submitted,

/s/ D. Farrington Yates

D. Farrington Yates

Adam M. Lavine

Donna (Dong Ni) Xu

**KOBRE & KIM LLP**

800 Third Avenue

New York, NY, 10022

T: (212) 488-1200

F: (212) 488-1220

Farrington.Yates@kobrekim.com

Adam.Lavine@kobrekim.com

Donna.Xu@kobrekim.com

*Counsel for the EFG and BSI Defendants*